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PHILIP K. YU 20955 PATHFINDER ROAD SUITE 100 DIAMOND BAR, CA 91765			JANVIER, JEAN D	
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DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/851,909	KADDECHE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jean Janvier	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 14-30 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

### **Response To Applicant's Amendments**

A response to the Applicant's amendment is provided below.

### **DETAILED ACTION**

#### *Specification*

#### **Status of the claims**

Claims 1-13 have been canceled and claims 14-28 and new claims 29 and 30 are currently pending in the Instant Application.

#### **General Comments**

Concerning claims 27 and 28, “....directional guidance...” is interpreted as - - the direction of a business or institution associated with the displayed ad from the highest bidder--.

#### **Claim objections**

Claim 29 is objected to because of the following informalities-

Concerning claim 29, in the preamble, “an mobile Internet client” should apparently be -  
-a mobile Internet client--.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14, 19 and 29 (including their dependent claims) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Here, regarding claims 14 and 19, in “wherein each of said bids includes a bid value **and a non-teaser impression**”, “**non-teaser impression**” is not defined or supported in the specification. Although the Applicant stated that the Examiner appears to be familiar with the meaning of “**non-teaser impression**”, however, simply incorporating a claim language into the claimed invention to specifically overcome a prior art teaching without proper support in the specification is deemed inappropriate or unacceptable under 35 USC 112(1). For examination purpose, the above claim language will be interpreted simply as --displaying an advertisement provided by the impression provider--.

Furthermore, regarding claims 14, 19 and 29, in “upon receiving said impression **without the corresponding bid value**” and “...displaying said impression **without the corresponding bid amount**”, as recited in claims 14 and 19, and “said server automatically transmitting the impression, **without the corresponding cost...**” and “upon receiving the impression, **without**

**the corresponding cost...”, as recited in claim 29, it appears that the specification only supports the steps of receiving and displaying the impression.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14-28 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hanson et al. (hereinafter Hanson), US Patent 5,974,398A in view of Bandera, US Patent 6, 332, 127B1.

As per claims 14 and 29, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria **and the highest bid**, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including **location**) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 4: 54-60; col. 12: 5 to col. 14: 40; col. 11: 17-24; See claims 1 and 7 of the current reference).

In addition, in an alternative embodiment, Hanson discloses an automatic absentee bidding among the advertisers, as shown in figs 14-15, wherein an advertiser's maximum and minimum bid values for an absentee bidding, along with the advertiser's criteria, is recorded. Here, the advertiser can be absent from the network and need not participate directly in the bidding system when the user comes online. To this end, the server 660 provides an automatic absentee bidding, having a maximum and minimum bid, on behalf of the advertisers when a user, having a profile matching the advertiser's bid criteria, comes online. The absentee bidding can operate simultaneously with the competitive bidding method conducted by other advertisers or bidders. When a user visits the system on the Internet and makes a request for a service or information, the server 660 (identifying the user) accesses a user profile database to retrieve the user's characteristics, accesses at least two respective advertisers' specified user's criteria related to two respective advertisers (sub plurality of advertisers), compares the user's retrieved characteristics to the at least two respective advertisers' specified user's criteria and selects a first and second advertiser (from the sub plurality) with specifications matching the user's characteristics. If an advertiser from the sub plurality (subset) of advertisers has a maximum bid (value) less than a highest minimum bid value, as defined or computed by the system, then the advertiser's bid is ignored. Furthermore, if an advertiser from the sub plurality of advertisers has a maximum bid (value) greater than a second highest maximum bid value of the sub plurality of advertisers, then the server 660 retains this advertiser's bid (through this absentee bidding process, the highest bidder is selected as the winner). **Thereafter, transmitting automatically (without the user's intervention) from the server 660 to the Internet client or user the winning bid value along with the advertiser's name (or a short message describing the**

**business the advertiser is in**), receiving by the server 660 from the user a signal indicating the user's acceptance of the offer and retrieving from the server 660 the advertiser's **complete** message related to the winning bid and displaying the message on the user's computer screen (here only the winning bid is displayed on the user's computer **and the user does not have to select a bid from a plurality of displayed bids**-figs 14-15; col. 13: 39 to col. 14: 21).

Finally, Hanson does indeed support the steps of retrieving, during a user's online visit, from a customer profile database 102 of fig. 1 the user's profile information, forwarding the user's profile information (**including address, interests, etc.**) to the bidding advertisers (advertising offer manager), comparing the user's profile information to the advertisers' criteria (testing stage), displaying the advertisers' bid offers to the user's computer screen based on this comparison, selecting by the user a bid offer and retrieving and outputting on the user's computer screen the advertising message related to the selected bid offer. Here, the user's profile information is provided to the advertisers to prepare their bid offers does not necessarily contain the user's permanent identifier (**like an account number, code or other unique identifier** (**including the user's name or identity data**), which remains at the user's computer and may not travel across the wire for security purpose). Further the profile database 102 contains, as disclosed by Hanson, data such as demographic information about the user (age, gender, marital status, residence, etc.) as well as the user's psychographic profile. **The user's identity is revealed to an advertiser or bid winner only at the completion of a successful transaction, that is after the bidding stage is finished, wherein the user has read an advertising message related to the advertiser or bid winner and if the advertiser has made such a request.** This is true in the competitive bidding or absentee bidding. **However, it is herein understood, from**

**a technical point of view, that when the server forwards the user's profile to the advertisers or bidders, an identifier (temporary identifier) such as a number or a code or a filename, associated with the user's profile information, uniquely identifying the user to the system will be transmitted as well. And upon submitting a bid to the system based on the user's received profile information, the identifier is sent back to the system where it is used to help identify the user not only for billing the advertiser and crediting the user's account for viewing the advertisement, but also for revealing, if so requested, the identity of the user to the advertiser or bidder following a successful display (fig. 3; col. 4: 14-24; col. 4: 54-61; col. 6: 52 to col. 7: 53).**

As per claims 19 and 23, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an

advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service charge. Furthermore, an interesting advertiser using workstation 120 can communicate to the online service platform 100 a set of defined user attributes, characteristics and weights applied to such attributes, wherein these characteristics, attributes or variables and weights are used by the advertiser to develop appropriate bids for the right to display his advertising messages to a particular user having a particular profile or characteristics and attributes (income, residence, gender, etc.) in accordance with a weight or scale given to specific subset or specific parameters or attributes from the user's profile, such as ages of viewing or participating users, matching the advertiser's predefined attributes from the advertiser's specifications (filtering a subset of the profile information based on predetermined criteria) (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 3: 50-56; col. 4: 54-60; col. 5: 64 to col. 6: 5; col. 9: 18-23; col. 10: 32-39; col. 12: 5 to col. 14: 40; See claims 1 and 7 of the current reference).

It is herein understood that when certain attributes from the user's profile match an advertiser's defined variables or characteristics and the bid value offered is acceptable, the advertiser receives the identify of the targeted user and earns the right to display at least one advertising message to the user, who may choose to view the advertising message immediately or in the future (reserving the right to present an ad to a qualified user) (col. 8: 39-41; col. 10: 40-52; col. 11: 17-24; col. 13: 1-3; figs. 11 and 13).

In addition, in an alternative embodiment, Hanson discloses an automatic absentee bidding among the advertisers, as shown in figs 14-15, wherein an advertiser's maximum and minimum bid values for an absentee bidding, along with the advertiser's criteria, is recorded. Here, the advertiser can be absent from the network and need not participate directly in the bidding system when the user comes online. To this end, the server 660 provides an automatic absentee bidding, having a maximum and minimum bid, on behalf of the advertisers when a user, having a profile matching the advertiser's bid criteria, comes online. The absentee bidding can operate simultaneously with the competitive bidding method conducted by other advertisers or bidders. When a user visits the system on the Internet and makes a request for a service or information, the server 660 (identifying the user) accesses a user profile database to retrieve the user's characteristics, accesses at least two respective advertisers' specified user's criteria related to two respective advertisers (sub plurality of advertisers), compares the user's retrieved characteristics to the at least two respective advertisers' specified user's criteria and selects a first and second advertiser (from the sub plurality) with specifications matching the user's characteristics. If an advertiser from the sub plurality (subset) of advertisers has a maximum bid (value) less than a highest minimum bid value, as defined or computed by the system, then the advertiser's bid is ignored. Furthermore, if an advertiser from the sub plurality of advertisers has a maximum bid (value) greater than a second highest maximum bid value of the sub plurality of advertisers, then the server 660 retains this advertiser's bid (through this absentee bidding process, the highest bidder is selected as the winner). Thereafter, transmitting from the server 660 to the Internet client or user the winning bid value along with the advertiser's name (or a short message describing the business the advertiser is in), receiving by the server 660 from the

user a signal indicating the user's acceptance of the offer and retrieving from the server 660 the advertiser's message related to the winning bid and displaying the message on the user's computer screen (here only the winning bid is displayed on the user's computer-figs 14-15; col. 13: 39 to col. 14: 21).

In addition, Hanson does indeed supports retrieving, during a user's online visit, from a customer profile database 102 of fig. 1 the user's profile information, forwarding the user's profile information to the bidding advertisers (advertising offer manager), comparing the user's profile information to the advertisers' criteria (testing stage), displaying the advertisers' bid offers to the user's computer screen based on this comparison, selecting by the user a bid offer and retrieving and outputting on the user's computer screen the advertising message related to the selected bid offer. Here, the user's profile information provided to the advertisers to prepare their bid offers does not necessarily contain the user's permanent identifier (like a password, which remains at the user's computer and may not travel across the wire for security purpose). Further the profile database 102 contains, as disclosed by Hanson, data such as demographic information about the user (age, gender, marital status, residence, etc.) as well as the user's psychographic profile. The user's identity is revealed to an advertiser or bid winner only at the completion of a successful transaction, that is after the bidding stage is finished, wherein the user has read an advertising message related to the advertiser or bid winner and if the advertiser has made such a request. This is true in the competitive bidding or absentee bidding. **However, it is herein understood, from a technical point of view, that when the server forwards the user's profile to the advertisers or bidders, an identifier such as a number or a code or a filename, associated with the user's profile information, uniquely identifying the user to the system**

**will be transmitted as well. And upon submitting a bid to the system based on the user's received profile information, the identifier is sent back to the system where it is used to help identify the user not only for billing the advertiser and credit the user's account for viewing the advertisement, but also for revealing, if so requested, the identity of the user to the advertiser or bidder following a successful display.**

**Finally, it is implicitly supported in the Hanson's system that each impression or advertisement has an associated date stamp (advertisements are typically run for a certain period of time until expired). Hanson also teaches that the user can be exposed to the same advertisement in more than one occasion, if the advertiser so desires, and in this case the advertiser will pay a reduced fee for displaying the repeated advertisement to the user (limiting the number of times an impression can be viewed by a user-col. 11: 21-32)**

(fig. 3; col. 4: 14-24; col. 4: 54-61; col. 6: 52 to col. 7: 53).

Here, the generated identifier, read from "generating an identifier for the Internet/client session...", can be interpreted as a dynamic IP address (not a static IP address), which is generated for each Internet session, different for every Internet session and unique for each session while the client remains the same, as understood in the art. Further, a dynamic IP address cannot identify a client with great accuracy since only the area code related to the client and used, among other things, to generate the dynamic IP address can be extracted from the IP address (this is a rough geographic estimate based on zip codes covered by the area code).

As per claims 14, 19, 27, 28 and 29, Hanson does not expressly teach determining the current location of the Internet client, using a GPS, and displaying an ad, along with a direction

or a local store address, from the highest bidder or advertiser on the Internet client screen based on the Internet client current location (best interpretation).

However, Bandera discloses a method, system and/or computer program product for providing time and location specific advertising object and other information object via a communication means (Internet) 25 of fig. 1 to a user or customer using a portable terminal or mobile web client (Internet client) 21 of fig. 1, having a display or screen, an input device and so forth, connected to the communication means 25 wherein advertising object 32 and other information 34 are returned to the user via a web page 26 in response to the accessing a web site by the user for information and wherein an object oriented programming language such as JAVA (software) or more specifically a JAVA Virtual Machine or JVM is running on the portable terminal so as to allow JAVA Applets (programs written in JAVA) to run on the portable terminal, thereby selecting advertisements to be displayed on the screen of the portable terminal based on the present location, and/or time of the day, associated with the mobile web client or portable terminal used by the user (See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41).

Referring now to FIG. 3, operations for selecting an advertising object to be displayed within a Web page requested by a user according to the present system are illustrated. In response to a user's request for a Web page via a mobile Web client in communication with a Web server, the mobile Web client retrieves information about the user's current location (Block 100). User location information may be obtained via a GPS (22, FIG. 2) in communication with the mobile Web client (21, FIG. 2). A GPS is a constellation of spaced-apart satellites that orbit

the Earth and make it possible for people with ground receivers to pinpoint their geographic location. A GPS is well understood by those skilled in the art and need not be described further herein.

GPS communications may be integrated with a Web browser of a mobile Web client. Alternatively, user requests made via a Web client may be intercepted by a Web client operating system, which is configured to fetch user location information via a GPS. Furthermore, it is understood that the present system is not limited to the use of a GPS for retrieving user location information. For mobile Web clients accessing a Web server via a telephone system, a Web server may trace the calling telephone number to determine the local exchange within which the mobile Web client is presently located. The local exchange could then be used to broadly determine the current location of the user.

Alternatively, location information may be obtained based upon an identification of a cellular base station or a satellite beam that is in communication with the mobile Web client (21, FIG. 2). Although identification of a cellular base station or satellite beam may not provide as precise a location as a GPS, the location may be sufficiently precise to allow selection of advertising objects according to the present system.

The Web client then transmits the retrieved user location information with the Web page request to the Web server (Block 102). Note that in cases described above where the server queries the telephone exchange or where the location is determined by the cellular base station, this information is not actually transmitted by the client within the request. The user location information may be conveyed to the Web server in an HTTP header as part of the Web page

request (23, FIG. 2). The Web server then selects an advertising object (or objects) to include in the requested Web page based on the retrieved user location information (Block 104).

Additionally, the Web server may select an advertising object(s) based on the time of day the user request was received, alone or in combination with the retrieved user location information. Preferably, a dynamic execution engine (28, FIG. 2) searches a lookup table (27, FIG. 2) that contains a plurality of advertising objects each having location and time of day information associated therewith. The Web server generates the requested Web page with the selected advertising object(s) included therewithin (Block 106). The generated Web page is then served to the mobile Web client (Block 108).

As another example of this aspect of the present system, an advertisement object(s) can be selected based on the time of day a user request is received by a Web server. For example, an advertisement object related to bagels may be selected and displayed within a requested Web page when the Web page request is received between the hours of 6:00 o'clock in the morning and 9:00 o'clock in the morning. By contrast, an advertisement object (full and complete ad) related to a tavern's "happy hour" may be selected and displayed, along with the advertiser's address, within the requested Web page when a user request is received between the hours of 6:00 o'clock in the evening and 8:00 o'clock in the evening and an associated is coupon, redeemable at the advertiser's local store, is provided to the user based on the time of the day and the mobile client current location as detected by the GPS component connected to the mobile client, wherein the coupon data are downloaded to the mobile client memory and stored therein for later retrieval and wherein the user takes the client to the local store to redeem the stored coupon during a wireless synchronization process between the mobile client and the store POS

system. Here, the current location of the user is used to present location and time-oriented advertisements including associated coupons.

(Col. 6: 56 to col. 7: 52; col. 7: 56 to col. 10: 31).

**Additionally, Applicant admits, in the background section of the specification, that displaying a local advertisement from a local merchant on a wireless client screen based on the client current location is well documented in the art (See paragraphs [0009] and [0010] of page 2 and conventional fig. 1).**

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the time and location-oriented system of Bandera into the system of Hanson so as to automatically return to a user, requesting an information or a web page from a web site, a selected and targeted content or targeted advertisement, including a related local store address, along with the requested web page or information without the user's input or intervention, wherein the returned or displayed advertisement is from the highest bidder as determined by the server and in a manner transparent to the user and wherein the content of the advertisement changes or varies in accordance with the time of the request and the current location of the user or the Internet client, having a GPS receiver coupled thereon used to detect the client current geographical location, thereby rendering the display of the advertisement more appealing to a mobile user or road warrior of the Internet client who receives, based on the time of his request and his current location, along with the request a time-sensitive and location-oriented advertisement including an associated coupon, instead of or in addition to a credit or

discounted service charge, corresponding to a product or service featured in the displayed advertisement, wherein the coupon is downloaded into the memory of the Internet client and the coupon is redeemable at the advertiser's local store (local store address shown in the ad) in the proximity of the client present location during a synchronization between the Internet client and the local store POS system.

As per claims 15-18, 20-22, 24-26 and 30, Hanson discloses an interactive bidding system (sealed, competitive or absentee bidding) for allowing advertisers or impression providers to bid for the right to display their advertising messages to qualified users contingent upon a correlation between the users' profile and the advertisers' criteria and the highest bid, wherein a user using a client 160 (wireless terminal) connected to the Internet 130 of fig. 1 makes a request from server 660 (ISP) for information or service. Subsequent to this request, the server 660 accesses a user profile database (102) (110) (700) for the user's profile or characteristics (demographics including location) as well as the user's specified interests, an advertiser's database or advertiser specifications buffer (706) for at least two different advertisers' specifications associated with two different advertisers and compares the characteristics of the user from the user profile database with the characteristics from each respective advertiser. Following this profile matching, the advertiser providing the highest or revised bid value is selected by the user and an advertising message related to the selected advertiser (bid winner) is transmitted to the user, for display, by the server 660 (Internet access provider) and the user receives a reward or credit, as promised, for viewing the selected advertising messages based on the amount of bid wherein the received credit or reward helps pay for the user's online service

charge. Furthermore, an interesting advertiser using workstation 120 can communicate to the online service platform 100 a set of defined user attributes, characteristics and weights applied to such attributes, wherein these characteristics, attributes or variables and weights are used by the advertiser to develop appropriate bids for the right to display his advertising messages to a particular user having a particular profile or characteristics and attributes (income, residence, gender, etc.) in accordance with a weight or scale given to specific subset or specific parameters or attributes from the user's profile, such as ages of viewing or participating users, matching the advertiser's predefined attributes from the advertiser's specifications (filtering a subset of the profile information based on predetermined criteria) (See abstract; figs 1-3 and 6-15; col. 1:38 to col. 2: 10; col. 3: 5-12; col. 3: 50-56; col. 4: 54-60; col. 5: 64 to col. 6: 5; col. 9: 18-23; col. 10: 32-39; col. 12: 5 to col. 14: 40; See claims 1 and 7 of the current reference).

In addition, the user's activity is monitored, tracked and maintained in the active user and advertiser buffer 732 (col. 9: 45-51). Information regarding the number of times a particular advertisement is viewed by a user and at what times and whether the advertisement was previously viewed is stored in advertiser offers database 106 (col. 5: 12-16). Further, usage session history database 118 stores a user's prior online session usage, wherein the online service provider uses such information to track a particular session (col. 4: 61 to col. 5: 2). Moreover, it is herein to be understood that the user's activity collected from the tracking or monitoring process is used to update the user's profile, thereby allowing the online service to determine whether an advertisement has already been seen by the user and, in the affirmative, either exclude it from further consideration or offer it at a reduced rate to the user on behalf of the

advertiser, who received the user's name or identity, depending on the advertiser's wishes (col. 11: 17-24; fig. 13).

Finally, the client can further influence the decision making process of the system by selecting a winning bid among one or more qualified bids submitted by the advertisers based upon some factors (the Internet client further specifies one or more criteria for an advertiser to present an ad-See abstract).

**Claims 14-28 and 29-30 are rejected under 35 USC 103(a) as being unpatentable Roth, PCT Application WO 98/34189 in view of Bandera, USP 6,332,127.**

As per claims **14-28 and 29-30**, Roth discloses a method and/or system for providing advertisements from a server to viewers (10) who access web sites (14) over the Internet based at least on the viewers or users (10) characteristics or profile, which match a set of criteria or characteristics associated with the advertisements (16A) from the advertisers or distributors. A viewer (human) 10 using a client PC running a client browser 11 visits a web site 14 having an HTML reference to a view server 320 for signaling the occurrence of a view-op. In other words, this visit at the registered or participating web site 14 triggers a view-op, that is an opportunity to transfer a targeted advertisement to the visitor or viewer if his profile variables match one or more advertisers' profile attributes and in accordance with the highest bid received from bid input server 18 on behalf of a bid winner or advertiser who bid along with other advertisers for the opportunity to transfer or present one targeted advertisement to the user or viewer who causes the view-op. A web server 310 coupled to the user's client PC sends the view-op signal to

the view server 320 of fig. 3, which retrieves among other things the user's profile stored in database 16B (database of viewer information) and passes it to bidding agent 30 (intermediary), which receives a plurality of proposed bids from bid input server 18 (intermediary or agency working on behalf of the advertisers or bidders), for comparing and evaluating the viewer's profile to the plurality of proposed bids specifications and wherein the result of this comparison or evaluation, that is a number of selected proposed bids along with their related bid prices, is forwarded to the bid selection logic 16C coupled to view server 320 for selecting the highest bid. Following the highest bid selection, the view server 320 transmits a signal to web server 310 to retrieve from database 16A or ad table 16A the advertisement associated with the winning bid to be presented to the viewer of the view-op. At the conclusion of the transaction, the database 16B is updated to reflect a successful view-op. Further, a log and billing unit 320A collects data regarding the view-op, wherein the data are used for billing and auditing purposes. It is herein understood that the proposed bids, including bid prices, bid profile attributes requirements and associated advertisements, are stored or recorded in the system database or database 18T coupled to the bid input server 18 of fig. 3 prior to the user's or viewer's visit or view-op occurrence. It is further understood that the system is advertised to the advertisers or advertising distributors via conventional means and desired bid information, including bid prices, profile attributes requirements or targeted audience and the associated advertisements, are collected ahead of time from interested advertisers and supplied to bid input server 18 (agency or third party) for storage in database 18T where the bid information or proposed bids from a plurality of responding advertisers is retrieved and delivered, during a view-op event, to bidding agent 30 for comparing and evaluating the bid information to the viewer's profile when a view-op occurs. Moreover, the

submitted bids or the responses from the plurality of advertisers contain various profile attributes requirements that must be satisfied by a view-op, wherein these various profile attributes submitted by various advertisers form a number combination of different profile attributes (fig. 3, 5 and 7; page 11: 16 to page 14: 3; page 22: 1 to page 24: 1; page 26: 4 to page 37: 2).

Furthermore, if a viewer profile (variables) does not contain all the attributes specified in a proposed bid submitted by an advertiser, then the proposed bid in response to a view-op will not be considered by the bidding agent 30, which evaluates the proposed bid vis-à-vis the incoming view-op profile. The advertiser has the latitude in choosing the profile attributes that he feels or deems relevant to help the viewer make a buying decision (page 22: 1-9).

Additionally, the bid profile attribute requirements or criteria may be very stringent in a situation where the proposed bid price is high and the advertiser wants to reach only a very selected group of viewers. On the other hand, the criteria may be loose if the bid price is low and the advertiser wants to reach a large number of viewers who meet only a minimum set of criteria or fewer profile attributes than the actual profile attributes specified by the advertiser or bidder. For example, a proposed bid might have a single attribute or criterion such that the view-op is from all users who use "Netscape browser". In this case, the total economic value related to the price of all attributes within the profile is equal to the price of the single criterion specified in the bid. Alternatively, a proposed bid might specify values or contain a plurality of attributes (a, b, c, e, g, h, and i), wherein a, b, c, e, g, h, and i representative of various attribute values may be different for each bidder or advertiser. In other words, if the advertiser's bid or response contains one single requirement or profile attribute, such as that the user is a Netscape User, then the advertiser's proposed bid features a single attribute having a price or economic

value that the advertiser wants to pay to display an advertisement to a user who is a "Netscape User". Another advertiser might bid ten cents if the view-op is from a user who had recently visited a particular web page and one cent for the same view-op if the user or viewer had not recently visited the particular web page. Another advertiser may submit a bid that offers, among other things, a specific price if the viewer causing the view-op has previously visited a financial web site. Here, and in general, the number of profile combinations resulting from the advertiser's proposed bid or response is one (1) since there is only one single attribute ("Netscape User", "visiting the particular web page", "financial web site" requirement) (determining a bid price for a response by adding the economic values for the individual attributes in a profile combination). In other words, although there may be other attributes in the proposed bid or response, however, only the attribute(s) that the advertiser really cares for has an economic value or price tag associated with it. It is further recognized here that the number of profile combinations and the total price value for each profile combination resulting from the advertiser's bid response or proposed bid as shown above are determined before a view-op occurs (in a preparation for a view-op or visit).

Furthermore, in a particular embodiment, an advertiser may submit multiple form objects at multiple levels. For instance, an advertiser may submit a bid, having a series of attributes, in which the advertiser may specify a level one proposal of five cents if some of the attributes are met by a view-op and a level two proposal of four cents if some other attributes are met. As shown in fig. 5 and indicated above, each proposed bid might include several bid levels. Here, a process is executed for each level of each proposed bid. When a view-op occurs, the Level 0 is "run" first, the Level 1 next, and so on. This means that level 0 requirements (attributes required)

are evaluated first by bidding agent 30. If they succeed, then bid is placed as dictated in that level's data. Otherwise Level 1 requirements are checked, and so on and so forth (each proposed bid or advertiser's response is spread to form multiple combinations of attributes or to form multiple bid levels where each bid level has different attributes or criteria, wherein each bid level or attribute combination has an associated economic value or price tag). The proposed bid evaluation process shown in fig. 5 performs tests upon a received proposed bid prior to submitting an actual bid to view server 320.

(Page 26: 6 to page 29: 4; figs. 5 and 6).

Moreover, Bid agents 30 (intermediary) evaluates the proposed bids along with advertisers' specifications or criteria or profile attributes, submitted by a plurality of advertisers prior to the view-op or a visit by a user to a registered web site 14, before forwarding the qualified bids that correspond with the view-op or the user's or viewer's 10 profile having one or more variables or parameters to bid selection logic 16C, coupled to view server 320, for selecting the highest bid, based on a best-profile attribute matching criteria, wherein the view server 320 sends a signal to web server 310 to retrieve from ad table or ad database 16A an appropriate advertisement related to the highest bid and wherein the advertisement is displayed on the screen of the client browser 11 to be read by the user or viewer. One or more servers can be used to implement the system disclosed here (fig. 3: page 11: 16 to page 14: 3). Further, database 16B coupled to view server 320 of fig. 3 contains a series of tables for storing viewer history data (previous viewing habits, purchases, click-throughs, viewer registration data, etc.)  
(Page 17: 15 to page: 21: 15).

Here, the generated identifier, read from “generating an identifier for the Internet/client session...”, can be interpreted as a dynamic IP address (not a static IP address), which is generated for each Internet session, different for every Internet session and unique for each session while the client remains the same, as understood in the art. Further, a dynamic IP address cannot identify a client with great accuracy since only the area code related to the client and used, among other things, to generate the dynamic IP address can be extracted from the IP address (this is a rough geographic estimate based on zip codes covered by the area code).

As per claims 14, 19, 27, 28 and 29, Roth does not expressly teach using a wireless Internet client, determining the current location of the Internet client, via a GPS, and displaying an ad, along with a direction or a local store address, from the highest bidder or advertiser on the Internet client screen based on the Internet client current location (best interpretation).

However, Bandera discloses a method, system and/or computer program product for providing time and location specific advertising object and other information object via a communication means (Internet) 25 of fig. 1 to a user or customer using a portable terminal or mobile web client (Internet client) 21 of fig. 1, having a display or screen, an input device and so forth, connected to the communication means 25 wherein advertising object 32 and other information 34 are returned to the user via a web page 26 in response to the accessing a web site by the user for information and wherein an object oriented programming language such as JAVA (software) or more specifically a JAVA Virtual Machine or JVM is running on the portable terminal so as to allow JAVA Applets (programs written in JAVA) to run on the portable

terminal, thereby selecting advertisements to be displayed on the screen of the portable terminal based on the present location, and/or time of the day, associated with the mobile web client or portable terminal used by the user (See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41).

Referring now to FIG. 3, operations for selecting an advertising object to be displayed within a Web page requested by a user according to the present system are illustrated. In response to a user's request for a Web page via a mobile Web client in communication with a Web server, the mobile Web client retrieves information about the user's current location (Block 100). User location information may be obtained via a GPS (22, FIG. 2) in communication with the mobile Web client (21, FIG. 2). A GPS is a constellation of spaced-apart satellites that orbit the Earth and make it possible for people with ground receivers to pinpoint their geographic location. A GPS is well understood by those skilled in the art and need not be described further herein.

GPS communications may be integrated with a Web browser of a mobile Web client. Alternatively, user requests made via a Web client may be intercepted by a Web client operating system, which is configured to fetch user location information via a GPS. Furthermore, it is understood that the present system is not limited to the use of a GPS for retrieving user location information. For mobile Web clients accessing a Web server via a telephone system, a Web server may trace the calling telephone number to determine the local exchange within which the mobile Web client is presently located. The local exchange could then be used to broadly determine the current location of the user.

Alternatively, location information may be obtained based upon an identification of a cellular base station or a satellite beam that is in communication with the mobile Web client (21, FIG. 2). Although identification of a cellular base station or satellite beam may not provide as precise a location as a GPS, the location may be sufficiently precise to allow selection of advertising objects according to the present system.

The Web client then transmits the retrieved user location information with the Web page request to the Web server (Block 102). Note that in cases described above where the server queries the telephone exchange or where the location is determined by the cellular base station, this information is not actually transmitted by the client within the request. The user location information may be conveyed to the Web server in an HTTP header as part of the Web page request (23, FIG. 2). The Web server then selects an advertising object (or objects) to include in the requested Web page based on the retrieved user location information (Block 104). Additionally, the Web server may select an advertising object(s) based on the time of day the user request was received, alone or in combination with the retrieved user location information. Preferably, a dynamic execution engine (28, FIG. 2) searches a lookup table (27, FIG. 2) that contains a plurality of advertising objects each having location and time of day information associated therewith. The Web server generates the requested Web page with the selected advertising object(s) included therewithin (Block 106). The generated Web page is then served to the mobile Web client (Block 108).

As another example of this aspect of the present system, an advertisement object(s) can be selected based on the time of day a user request is received by a Web server. For example, an advertisement object related to bagels may be selected and displayed within a requested Web

page when the Web page request is received between the hours of 6:00 o'clock in the morning and 9:00 o'clock in the morning. By contrast, an advertisement object (full and complete ad) related to a tavern's "happy hour" may be selected and displayed, along with the advertiser's address, within the requested Web page when a user request is received between the hours of 6:00 o'clock in the evening and 8:00 o'clock in the evening and an associated is coupon, redeemable at the advertiser's local store, is provided to the user based on the time of the day and the mobile client current location as detected by the GPS component connected to the mobile client, wherein the coupon data are downloaded to the mobile client memory and stored therein for later retrieval and wherein the user takes the client to the local store to redeem the stored coupon during a wireless synchronization process between the mobile client and the store POS system. Here, the current location of the user is used to present location and time-oriented advertisements including associated coupons.

(Col. 6: 56 to col. 7: 52; col. 7: 56 to col. 10: 31).

**Additionally, Applicant admits, in the background section of the specification, that displaying a local advertisement from a local merchant on a wireless client screen based on the client current location is well documented in the art (See paragraphs [0009] and [0010] of page 2 and conventional fig. 1).**

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the time and location-oriented system of Bandera into the system of Roth so as to automatically return to a user, requesting an information or a web page from a web

site via his wireless Internet client, a selected and targeted content or targeted advertisement, including a related local store address, along with the requested web page or information without the user's input or intervention, wherein the returned or displayed advertisement is from the highest bidder as determined by the server and in a manner transparent to the user and wherein the content of the advertisement changes or varies in accordance with the time of the request and the current location of the user or the Internet client, having a GPS receiver coupled thereon used to detect the client current geographical location, thereby rendering the display of the advertisement more appealing to a mobile user or road warrior of the wireless Internet client who receives, based on the time of his request and his current location, along with the request a time-sensitive and location-oriented advertisement including an associated coupon, corresponding to a product or service featured in the displayed advertisement, wherein the coupon is downloaded into the memory of the Internet client and the coupon is redeemable at the advertiser's local store (local store address shown in the ad) in the proximity of the client present location during a synchronization between the mobile or portable Internet client and the local store POS system.

**Claims 14-28 and 29-30 are rejected under 35 USC 103(a) as being unpatentable over Shkedi, USP 6,973, 436B1 in view of Bandera, USP 6,332,127.**

As per claims 14-28 and 29-30, Shkedi discloses a method of and a system for transacting an advertisement transfer from an advertisement distributor (advertiser or bidder) to a visitor when he visits a communication node (sever), over a network or the Internet, including the steps of constructing a visitor profile and broadcasting the profile to at least one distributor (or a plurality

of bidders). Responses are collected from the at least one distributor (or the plurality of bidders) and one response is selected therefrom. The communication node contracts with the at least one distributor or advertiser concerning a transference of the advertisement from the distributor to the visitor. The transfer of the advertisement to the visitor is then effected. A device for transacting an advertisement transfer includes a first module for constructing a visitor profile, a second module for broadcasting the profile to at least one distributor and a third module for collecting responses from the at least one distributor. A fourth module selects a response and a fifth module contracts between the node and the at least one distributor of the selected response concerning a transference of an advertisement from the distributor to the visitor. A sixth module effects a transfer of the advertisement to the visitor (See abstract).

The present system relates to a method for transacting an advertisement transfer, from an advertisement distributor to a visitor. The method comprising, upon the occurrence of a visitor visitation at a communications node, the communication node performing the steps of: (One) constructing a visitor profile; (Two) broadcasting the profile to at least one distributor; (Three) collecting responses from the at least one distributor; (Four) selecting a response from the at least one responding distributor; (Five) contracting, between the node and the at least one distributor of the selected response, a transference of an advertisement from the distributor to the visitor; and (Six) effecting a transfer of the advertisement to the visitor.

There are, in the present system, three basic embodiment types according to the present invention. Each type relates to a different mercantile perspective on contracting (step "e"): Auction; Tender; and Future inventory purchase.

First, in the auction embodiment, the communication node broadcasts a visitor's profile to distributors or advertisers or bidders. The interested distributors reply to the node with a price offer for that profile or for the right to display an advertisement to a user with such a profile. The highest offer or bid for that profile wins the auction or the right to present a targeted advertisement to the user or visitor, which the node conducted for that profile. The node sends the distributor a message of his winning the auction and also sends a predetermined protocol or transactional authorization to pass to the visitor the auctioned advertisement. The distributor sends the advertisement to the visitor and also sends a confirmation to the node. Alternatively, the visitor collects or receives for display the advertisement from the distributor or the highest bidder and a confirmation is sent to the node accordingly.

**Col. 2: 3-38.**

Here, the generated identifier, read from "generating an identifier for the Internet/client session...", can be interpreted as a dynamic IP address (not a static IP address), which is generated for each Internet session, different for every Internet session and unique for each session while the client remains the same, as understood in the art. Further, a dynamic IP address cannot identify a client with great accuracy since only the area code related to the client and used, among other things, to generate the dynamic IP address can be extracted from the IP address (this is a rough geographic estimate based on zip codes covered by the area code).

As per claims 14, 19, 27, 28 and 29, Shkedi does not expressly teach using a wireless Internet client, determining the current location of the Internet client, via a GPS, and displaying

an ad, along with a direction or a local store address, from the highest bidder or advertiser on the Internet client screen based on the Internet client current location (best interpretation).

However, Bandera discloses a method, system and/or computer program product for providing time and location specific advertising object and other information object via a communication means (Internet) 25 of fig. 1 to a user or customer using a portable terminal or mobile web client (Internet client) 21 of fig. 1, having a display or screen, an input device and so forth, connected to the communication means 25 wherein advertising object 32 and other information 34 are returned to the user via a web page 26 in response to the accessing a web site by the user for information and wherein an object oriented programming language such as JAVA (software) or more specifically a JAVA Virtual Machine or JVM is running on the portable terminal so as to allow JAVA Applets (programs written in JAVA) to run on the portable terminal, thereby selecting advertisements to be displayed on the screen of the portable terminal based on the present location, and/or time of the day, associated with the mobile web client or portable terminal used by the user (See abstract; figs. 1 and 6; col. 2: 33 to col. 3: 41; col. 5: 26 to col. 6: 24; col. 9: 29-41).

Referring now to FIG. 3, operations for selecting an advertising object to be displayed within a Web page requested by a user according to the present system are illustrated. In response to a user's request for a Web page via a mobile Web client in communication with a Web server, the mobile Web client retrieves information about the user's current location (Block 100). User location information may be obtained via a GPS (22, FIG. 2) in communication with the mobile Web client (21, FIG. 2). A GPS is a constellation of spaced-apart satellites that orbit

the Earth and make it possible for people with ground receivers to pinpoint their geographic location. A GPS is well understood by those skilled in the art and need not be described further herein.

GPS communications may be integrated with a Web browser of a mobile Web client. Alternatively, user requests made via a Web client may be intercepted by a Web client operating system, which is configured to fetch user location information via a GPS. Furthermore, it is understood that the present system is not limited to the use of a GPS for retrieving user location information. For mobile Web clients accessing a Web server via a telephone system, a Web server may trace the calling telephone number to determine the local exchange within which the mobile Web client is presently located. The local exchange could then be used to broadly determine the current location of the user.

Alternatively, location information may be obtained based upon an identification of a cellular base station or a satellite beam that is in communication with the mobile Web client (21, FIG. 2). Although identification of a cellular base station or satellite beam may not provide as precise a location as a GPS, the location may be sufficiently precise to allow selection of advertising objects according to the present system.

The Web client then transmits the retrieved user location information with the Web page request to the Web server (Block 102). Note that in cases described above where the server queries the telephone exchange or where the location is determined by the cellular base station, this information is not actually transmitted by the client within the request. The user location information may be conveyed to the Web server in an HTTP header as part of the Web page

request (23, FIG. 2). The Web server then selects an advertising object (or objects) to include in the requested Web page based on the retrieved user location information (Block 104).

Additionally, the Web server may select an advertising object(s) based on the time of day the user request was received, alone or in combination with the retrieved user location information. Preferably, a dynamic execution engine (28, FIG. 2) searches a lookup table (27, FIG. 2) that contains a plurality of advertising objects each having location and time of day information associated therewith. The Web server generates the requested Web page with the selected advertising object(s) included therewithin (Block 106). The generated Web page is then served to the mobile Web client (Block 108).

As another example of this aspect of the present system, an advertisement object(s) can be selected based on the time of day a user request is received by a Web server. For example, an advertisement object related to bagels may be selected and displayed within a requested Web page when the Web page request is received between the hours of 6:00 o'clock in the morning and 9:00 o'clock in the morning. By contrast, an advertisement object (full and complete ad) related to a tavern's "happy hour" may be selected and displayed, along with the advertiser's address, within the requested Web page when a user request is received between the hours of 6:00 o'clock in the evening and 8:00 o'clock in the evening and an associated is coupon, redeemable at the advertiser's local store, is provided to the user based on the time of the day and the mobile client current location as detected by the GPS component connected to the mobile client, wherein the coupon data are downloaded to the mobile client memory and stored therein for later retrieval and wherein the user takes the client to the local store to redeem the stored coupon during a wireless synchronization process between the mobile client and the store POS

system. Here, the current location of the user is used to present location and time-oriented advertisements including associated coupons.

(Col. 6: 56 to col. 7: 52; col. 7: 56 to col. 10: 31).

**Additionally, Applicant admits, in the background section of the specification, that displaying a local advertisement from a local merchant on a wireless client screen based on the client current location is well documented in the art (See paragraphs [0009] and [0010] of page 2 and conventional fig. 1).**

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the time and location-oriented system of Bandera into the system of Shkedi so as to automatically return to a user, requesting an information or a web page from a web site via his wireless Internet client, a selected and targeted content or targeted advertisement, including a related local store address, along with the requested web page or information without the user's input or intervention, wherein the returned or displayed advertisement is from the highest bidder as determined by the server and in a manner transparent to the user and wherein the content of the advertisement changes or varies in accordance with the time of the request and the current location of the user or the Internet client, having a GPS receiver coupled thereon used to detect the client current geographical location, thereby rendering the display of the advertisement more appealing to a mobile user or road warrior of the wireless Internet client who receives, based on the time of his request and his current location, along with the request a time-sensitive and location-oriented advertisement including an associated coupon, corresponding to a

product or service featured in the displayed advertisement, wherein the coupon is downloaded into the memory of the Internet client and the coupon is redeemable at the advertiser's local store (local store address shown in the ad) in the proximity of the client present location during a synchronization between the mobile or portable Internet client and the local store POS system.

### **Response To Applicant's Arguments**

In general, Applicant argues that the Hanson's system is based on the user's receiving and selecting of the bid values, whereas the present invention transmits only the non-teaser commercial impression without the bid value to the user after the selection is done by the server. Thus, even if Hanson can be modified to include the location-based system of Bandera, continues the Applicant, then the resulting system is still not the same as the claimed invention. The Examiner completely and respectfully disagrees with the Applicant's conclusion. First, there is no support for the "non-teaser commercial impression", which can be interpreted as displaying an ad or a commercial impression as taught by Hanson. What constitutes an ad, a thumbnail, a teaser or non-teaser impression is a matter of interpretation. Furthermore, "transmitting only the non-teaser commercial impression without the bid value to the user" is not explicitly supported in the specification.

Second, in an alternative embodiment, Hanson discloses **an automatic absentee bidding** among the advertisers, as shown in figs 14-15, wherein an advertiser's maximum and minimum bid values for an absentee bidding, along with the advertiser's criteria, is recorded. Here, the advertiser can be absent from the network and need not participate directly in the bidding system when the user comes online. To this end, the **server 660 provides an automatic absentee**

**bidding, having a maximum and minimum bid**, on behalf of the advertisers when a user, having a profile matching the advertiser's bid criteria, comes online. The absentee bidding can operate simultaneously with the competitive bidding method conducted by other advertisers or bidders. **When a user visits the system on the Internet and makes a request for a service or information**, the server 660 (identifying the user) accesses a user profile database to retrieve the user's characteristics, **accesses at least two respective advertisers' specified user's criteria related to two respective advertisers (sub plurality of advertisers), compares the user's retrieved characteristics to the at least two respective advertisers' specified user's criteria and selects a first and second advertiser (from the sub plurality) with specifications matching the user's characteristics. If an advertiser from the sub plurality (subset) of advertisers has a maximum bid (value) less than a highest minimum bid value, as defined or computed by the system or server, then the advertiser's bid is ignored. Furthermore, if an advertiser from the sub plurality of advertisers has a maximum bid (value) greater than a second highest maximum bid value of the sub plurality of advertisers (or from the at least two advertisers), then the server 660 retains this advertiser's bid.** Thereafter, transmitting from the server 660 to the Internet client or user the winning bid value along with the advertiser's name (or a short advertising message describing the business the advertiser is in), receiving by the server 660 from the user a signal indicating the user's acceptance of the single offer, when the user clicks on the displayed message, and retrieving from the server 660 more information related to the displayed message, related to the winning bid, and providing a compensation to the user for considering or accepting or activating the advertising message. In short, **through the absentee bidding process, the highest bidder, between at least the two**

advertisers or bidders, is selected by the server 660 as the winner and the server transmits the associated advertisement to the user who may choose to ignore it or click on it to retrieve more information and receive a compensation for doing so. Here, transmitting the advertisement, related to the highest bid, along with the bid value does not impact the functionality of the system in any way since there is only one highest bidder, between the two advertisers, and thus, only one related advertisement is displayed on the screen in response to the selection of the highest bid by the server 660. Here, it is the server 660, which selects the highest bid, not the user, especially when there are only two absentee bidders or advertisers competing for the right to display an ad to the user.

(figs 14-15; col. 13: 39 to col. 14: 21).

Therefore, the Applicant's arguments are not persuasive.

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,794,210 to Goldhaber discloses, among other things, a system for paying a customer for viewing an ad on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers can bid for the right to display their advertising messages to the customer.

US Patent 6,324,519 to Elderly discloses an advertising auction system.

US Patent 5, 724,521 to Dedrick discloses a system for displaying an ad to a customer on the Internet wherein the customer is specifically targeted using profile information provided by the customer and wherein advertisers pay for the right to display their advertising messages to the customer based on a best-fit profile matching.

US Patent 6, 064, 879 to Fujiwara discloses a mobile communication method suitable for a purchased mobile unit system, a mobile telephone switching station, a customer management system, and a mobile unit. A temporary ID, with communication restrictions, such as a limitation on the number of calls, is written into a mobile unit along with a DN, prior to shipment of the mobile unit. After purchase, the mobile unit is operated to initiate a registration procedure via a mobile communication network by using the temporary ID and to have a permanent ID written therein. By using the temporary ID, a communication connection test can be conducted on the mobile unit prior to shipment from the factory. There is no need to install a ROM writer at a mobile unit shop to write personal information.

US Patent 6, 577, 874 to Dailey discloses a method of receiving digital messages from a mobile terminal at a radio base station of a communications system including a plurality of radio base stations is discussed. This method includes receiving a login message at the radio base station from the mobile terminal wherein the login message includes a caller address number for

the mobile terminal and wherein the caller address number comprises a first number of bits. After receiving the login message, a temporary identification number is selected at the base station for the mobile terminal wherein the temporary identification number comprises a second number of bits less than the first number of bits. The temporary identification number is transmitted from the radio base station to the mobile terminal, and after transmitting the temporary identification number, a digital information message is received at the radio base station from the mobile terminal wherein the digital information message includes the temporary identification number and payload information. Related systems, base stations, and mobile terminals are discussed.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719

**Official**

04/15/06

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